

R E M A R K S

This paper is being filed in response to an Office Action dated July 27, 2006 that finally rejected the pending claims. Claims 1-24 are currently pending in this application, and claims 1-4, 8, 9, and 19-24 have been withdrawn from consideration.

By the present amendment, claims 5 and 13 have been amended to clarify that each of the three layers, while coupled to each other, remain separate and distinct from each other except at the limited points of contact along their respective surfaces caused by their being coupled together. Support for this amendment is found in the specification, inter alia, at p. 8, lines 10-26 and p. 5, lines 17-31. These claims have been amended also to recite that the split microfiber structure of each layer contains furrows and channels. Support for this amendment is found in the specification, inter alia, at p. 4, lines 6-22. The recitation in Claims 5 and 13 that the article is configured for wiping a surface, such language also appearing in the preamble of each claim, has been eliminated.

In view of support for all amendments in the originally filed application, applicant, submits that no new matter has been added by these amendment.

Claim Objections

Section 112 Rejection

Claim 15 has been objected to as having “single-knit terry” and “double-knit terry” language that is said to describe the microfiber structure rather than the fabric layer structure. Claim 13 has been rejected again under 35 USC § 112 second paragraph, as allegedly indefinite, as the terms chamois and terry are alleged to modify the microfiber structure rather than the fabric layer itself.

With reference to pages 11-12 of the response dated May 4, 2006, Applicant respectfully traverses the rejection as well as the newly made objection. It is respectfully submitted that skilled artisans would understand microfibers of chamois, terry, and single and/or double knit

tery are sufficiently definite and well understood by skilled artisans. The Examiner is directed to the specification page 4 line 6 – page 5 line 4 for further support for the use of the foregoing terms as types of microfiber structures. Applicant therefore respectfully requests withdrawal of the objections and rejection.

Section 102 Rejection

Claims 5-7 and 10-12 have been rejected under 35 U.S.C. § 102(e) as allegedly anticipated by DeMott et al. (USPN 6,770,581) (hereinafter referred to as “DeMott”). The Examiner asserts that DeMott et al. teaches all of the requirements of these claims. In particular, the Examiner alleges that the introduction of the “split microfiber” language in the amendments to Claim 5 dated May 4, 2006, does not distinguish DeMott which is said to disclose that its layers can be made with microfibers. The Examiner states that the use of the terms “split” to modify “microfiber” in Claim 5 does not support patentability because it is viewed as the inclusion of a method limitation.

Applicant respectfully traverses this rejection as applied to newly amended Claim 5 which now requires (i) each microfiber structure to have furrows and channels and (ii) coupler means that couples the three layers together at limited points of contact such that the three layers remain separate and distinct from each other except at those points of contact. DeMott fails to teach or suggest the use of microfibers having furrows and channels. Likewise, there is no teaching or suggestion in DeMott to have separation between its layers. In contrast, DeMott provides for an integrated structure for its three layers, one that provides for coupling along the entire surface of each of its layers. (See Katsin Declaration, Exhibit B.) Since DeMott fails to teach or suggest the foregoing structure, Applicant submits that DeMott fails to anticipate Claim 5 and Claims 6, 7 and 10-12 that depend thereon. Withdrawal of this rejection is respectfully requested.

Section 103 Rejection

Claims 13-18 have been rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over DeMott et al. Although acknowledging that DeMott fails to disclose using microfilament yarns in the absorbent center layer, the Examiner asserts, with reference to its earlier rejection of the

subject claims, that it would have been obvious to use the treated polyester microfilaments disclosed in DeMott in the absorbent center layer of the composite fabric, since DeMott teaches that the microdenier filaments have improved properties to cotton and cotton blend fabrics. The Examiner also states that Applicant has provided no evidence that a “split microfiber” by itself has improved properties.

Applicant respectfully traverses this rejection. Applicant directs the Examiner’s attention to the accompanying Rule 132 declaration of Dr. Donald B Thompson, Professor in the College of Textiles at North Carolina State University (hereinafter “Thompson ¶ __, Ex __”). Dr. Thompson in collaboration with another member of the faculty at his university, performed comparative testing to determine whether articles of the claimed invention, comprising layers of split microfiber with furrows and channels, have improved properties over unsplit structures. To the extent that DeMott suggests microfiber may be used or its layers, Dr. Thompson, based on the availability of products in the marketplace, used unsplit or intact microfiber to replicate DeMott in comparison with the split microfiber structures in the layers of the claimed invention. In particular, Dr. Thompson compared PET/nylon yarns having split microfiber and unsplit structures. (Thompson ¶ 2-5, 10-12.) Dr. Thompson determined that the water transport rate for split PET/nylon was twice that of the intact (unsplit) PET/nylon fabric as a result of the irregular grooved shapes, surface irregularities, pores, and increased capillary action of the split fibers. (Thompson ¶ 12-13, Thompson Ex D.) Unsplit and split PET/nylon yarns were also tested for wicking. Thompson ¶ 13. Those tests revealed that the split fiber type outperformed the unsplit type with the wicking rate of the split fiber 225% of its unsplit counterpart. (Thompson ¶ 13.)

Wirth reference to the paper submitted by Applicant on May 4, 2006, Applicant repeats its assertion that DeMott fails to teach or suggest the use of a microfiber fabric in the center layer as recited in Claim 13.

Furthermore, Claim 13 has been amended to recite that the first, second and third layers have furrows and channels for the microfiber structure. DeMott fails to teach or suggest such a fabric in any of the layers. Applicant, therefore, respectfully requests withdrawal of this rejection.

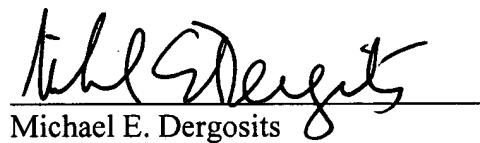
Conclusion

In view of the reasons and amendment presented above, applicant submits that the pending claims are in condition for allowance. The claims now recite physical structure not found in the cites prior art. The split microfibers of the present invention contain surface irregularities not present in DeMott. Moreover, DeMott does not teach a final product with three distinct layers remaining after the fabric has been manufactured. Reconsideration and allowance of these claims is respectfully requested.

Respectfully submitted,
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